

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

*

v.

*

Crim. No. 11-161

*

CHRISTOPHER RAD
Defendant,

*

*

FIRST AMENDED MOTION TO SUPPRESS EVIDENCE

COMES NOW, the Defendant in the above styled and numbered cause, through his Attorney of Record, and moves the Court to suppress the following evidence:

1. All tangible evidence seized by law enforcement officers or others in connection with the detention and arrest of the Defendant in this case, or in connection with the investigation of this case.
2. All written and oral statements made by the Defendant to any law enforcement officers or others in connection with this case.
3. Testimony of law enforcement officers or others concerning any actions of the Defendant while under detention or arrest in connection with this case.
4. Testimony of law enforcement officers or others concerning the tangible evidence or statements to which reference was made above.

As grounds for this Motion, Defendant would show this Court as follows:

That any tangible evidence seized in connection with this case was seized without lawful warrant, probable cause or other lawful authority in violation of the Defendant's rights under the Fourth Amendment to the United States Constitution.

Defendant's house was searched pursuant to a search warrant issued without probable cause. Various computers were seized, and evidence from those computers forms the bulk of the evidence against Defendant.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this motion to Suppress Evidence be granted.

Respectfully Submitted,

/s/ Francis W. Williams Montenegro
SB#: 21533500
1604 San Antonio Street
Austin, TX 78701-1223
Phone 512/476-1212
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CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Defendant's Notice of Deposition, Motion to Depose Material Witness, and Motion to Take Deposition Outside the United States Without the Defendant's Presence is this 5th day of October 2012 served on Erez Lieberman, Assistant United States District Attorney via e-mail at erez.liebermann@usdoj.gov.

/s/ Francis W. Williams Montenegro
Attorney for Defendant
Christopher Rad